IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 3851 of 2004

KEWAL SINGH & ANR.
V/S
STATE & ORS.

Mr. SUDHIR SHARMA, for the appellant / petitioner

Date of Order : 9.9.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

The only contention raised by the petitioner is that, the petitioner is a purchaser of the land as per sale-deed Annex.1, and consequent mutation had been effected in his favour vide Annex.3. Still before passing the order for cancellation of allotment, no notice was given to him, nor he was at all impleaded as party in any of the court below, thus the impugned order is liable to be set aside.

Suffice it to say, that even according to the petitioner, he had purchased the land only in Dec. 1979, at which time, the proceedings for cancellation had already been initiated against the allottee way back in the year 1978, and in that proceedings, order Annex.1 was passed in the year 1984. Thus it is clear that the petitioner is a purchaser pending litigation/proceedings for cancellation of allotment. It is significant to note that order Annex.4 has been duly challenged by the petitioner's seller before the Superior courts in hierarchy. Thus since the petitioner is a transferee pendente-lite, it is not open to the petitioner to challenge the impugned order on the ground that he was required to be impleaded as party, or that he was required to be given opportunity of hearing.

The writ petition, thus has no force, and is hereby dismissed summarily.

(N P GUPTA),J.

/Srawat/